

ORDINANCE NUMBER 16-07

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENTS TO THE SPRINGMILL TRAILS PLANNED UNIT DEVELOPMENT DISTRICT AND THE UNIFIED DEVELOPMENT ORDINANCE

This is an Ordinance to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Common Council enacted Ordinance No. 11-19, The Springmill Trails Planned Unit Development District (the "The Springmill Trails PUD Ordinance") on September 12, 2011;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1604-PUD-04**), requesting an amendment to The Springmill Trails PUD Ordinance with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 1604-PUD-04** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a favorable recommendation in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on April 21, 2016;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that The Springmill Trails PUD Ordinance and Unified Development Ordinance are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 This Ordinance shall amend The Springmill Trials PUD Ordinance, as applicable to the Real Estate. Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, (ii) The Springmill Trials PUD Ordinance; and (iii) the provisions of the Unified Development

Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance or The Springmill Trails PUD Ordinance, as amended.

- 1.2 Chapter (“Chapter”) and Article (“Article”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.3 All provisions and representations of (i) the Unified Development Ordinance or (ii) The Springmill Trails PUD Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. **Definitions.** Capitalized terms not otherwise defined in this Ordinance or the Springmill Trails PUD Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

- 2.1 Illustrative Character Exhibit: The architectural building elevations, attached hereto as **Exhibit B.**
- 2.2 Illustrative Site Development Plan (the “Concept Plan”): The Illustrative Site Development Plan, as set forth in The Springmill Trails PUD Ordinance, shall be replaced and superseded with the Concept Plan, attached hereto as **Exhibit C.**

Section 3. **Concept Plan.** The Concept Plan is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The Real Estate shall be developed in substantial compliance with the Concept Plan.

Section 4. **Development and Architectural Standards.** The standards of The Springmill Trails PUD Ordinance shall apply to the development of the Real Estate, except as otherwise modified below.

- 4.1 Architectural Standards: The building on the Real Estate shall be constructed in substantial compliance with the Illustrative Character Exhibit.
- 4.2 Development Amenities: Section 2.4 Development Amenities of the Springmill Trails PUD Ordinance shall not apply to the Real Estate.

[Remainder of page intentionally left blank, signature page follows]

ALL OF WHICH IS ORDAINED/RESOLVED THIS __ DAY OF _____, 2016.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

James J. Edwards

James J. Edwards

James J. Edwards

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Mark F. Keen

Mark F. Keen

Mark F. Keen

Charles Lehman

Charles Lehman

Charles Lehman

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

ATTEST:

Cindy Gossard, Clerk Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Jon C. Dobosiewicz

I hereby certify that **ORDINANCE 16-07** was delivered to the Mayor of Westfield

on the _____ day of _____, 2016, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 16-07**

this _____ day of _____, 2016.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 16-07**

this _____ day of _____, 2016.

J. Andrew Cook, Mayor

This document prepared by: James E. Shinaver and Jon C. Dobosiewicz, Nelson & Frankenberger
550 Congressional Blvd, Suite 210, Carmel, IN 46032 (317) 844-0106

Springmill Trails PUD - 2016 Northview TA - Draft #4 042016

SCHEDULE OF EXHIBITS

- Exhibit A Real Estate (Legal Description)
- Exhibit B Illustrative Character Exhibit
- Exhibit C Concept Plan

EXHIBIT A
REAL ESTATE
(Page 1 of 2)

Part of the East Half of the Northwest Quarter of Section 34, Township 19 North, Range 3 East of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at a Harrison Marker at the northwest corner of the East Half of the Northwest Quarter of Section 34, Township 19 North, Range 3 East; thence along the North line of said East Half, North 89 degrees 28 minutes 35 seconds East (assumed bearing) 500.00 feet to the Northwest corner of a land tract conveyed to Universal Properties, LLC, recorded as Instrument number 2013070315 in the office of the Hamilton County Recorder's office; thence along the West line of said land tract and parallel with the West line of said East Half, South 00 degrees 11 minutes 11 seconds West 958.39 feet; thence parallel with the North line of said East Half, South 89 degrees 28 minutes 35 seconds West 500.00 feet to the West Line of said East Half; thence along said West line North 00 degrees 11 minutes 11 seconds East 958.39 feet to the Point of Beginning, containing 11.000 acres more or less.

EXHIBIT A
REAL ESTATE
(Page 2 of 2)

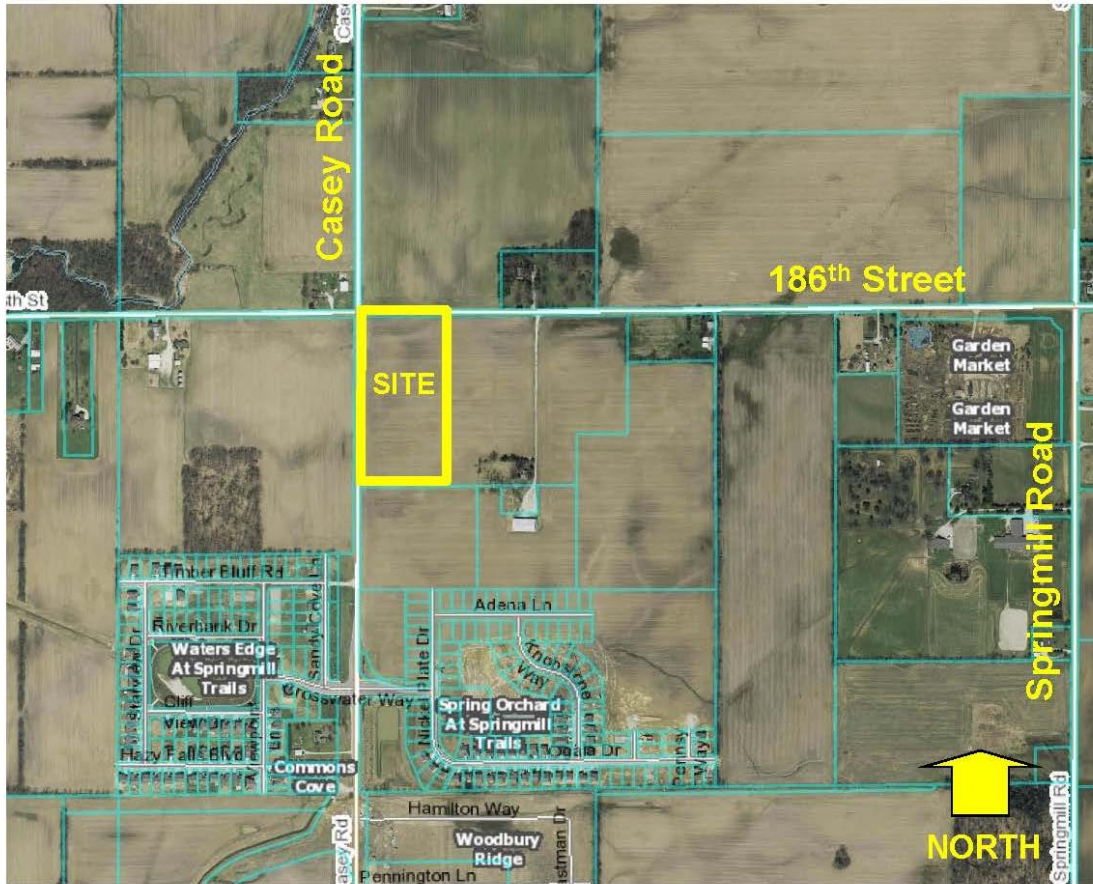
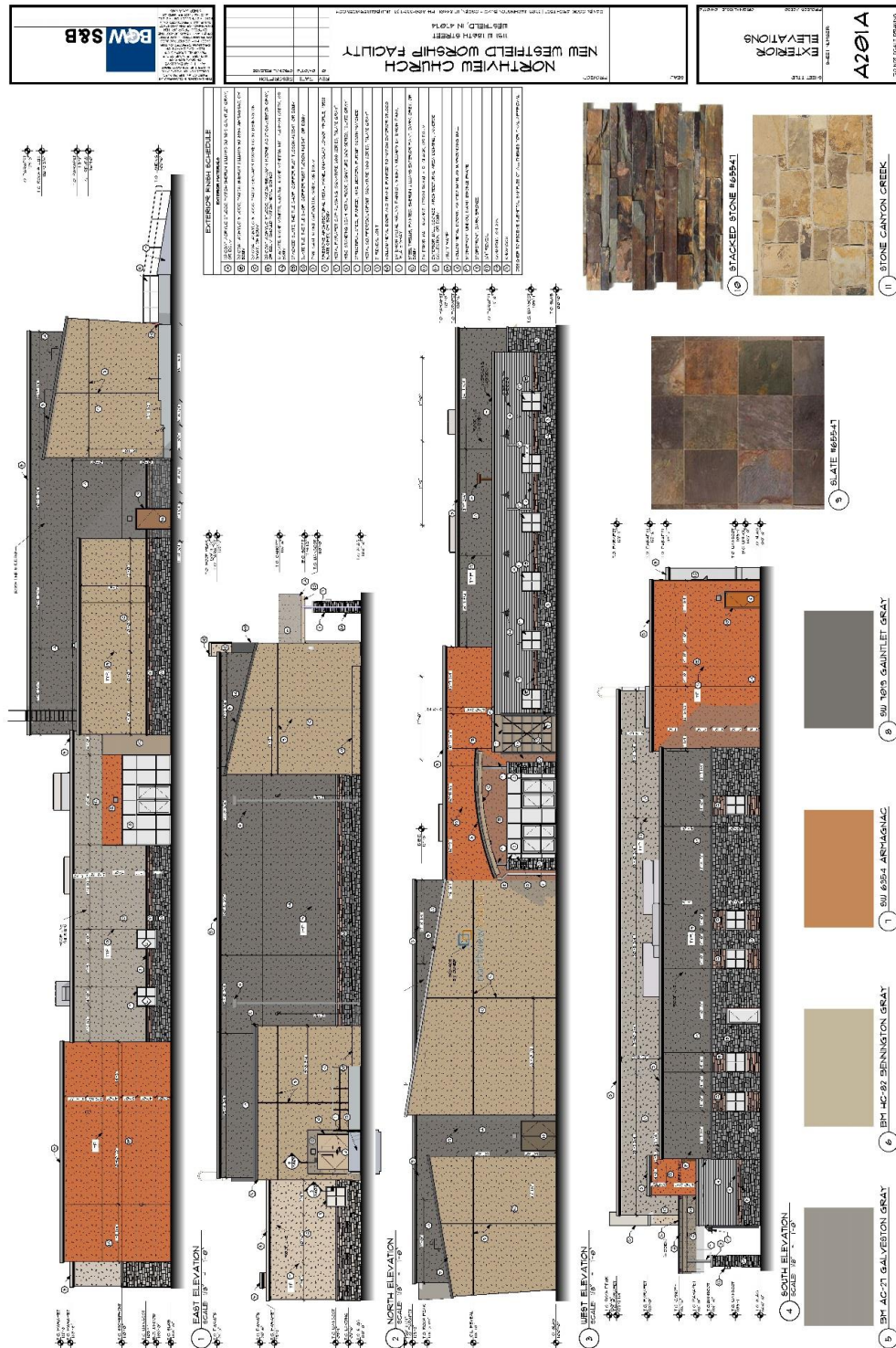
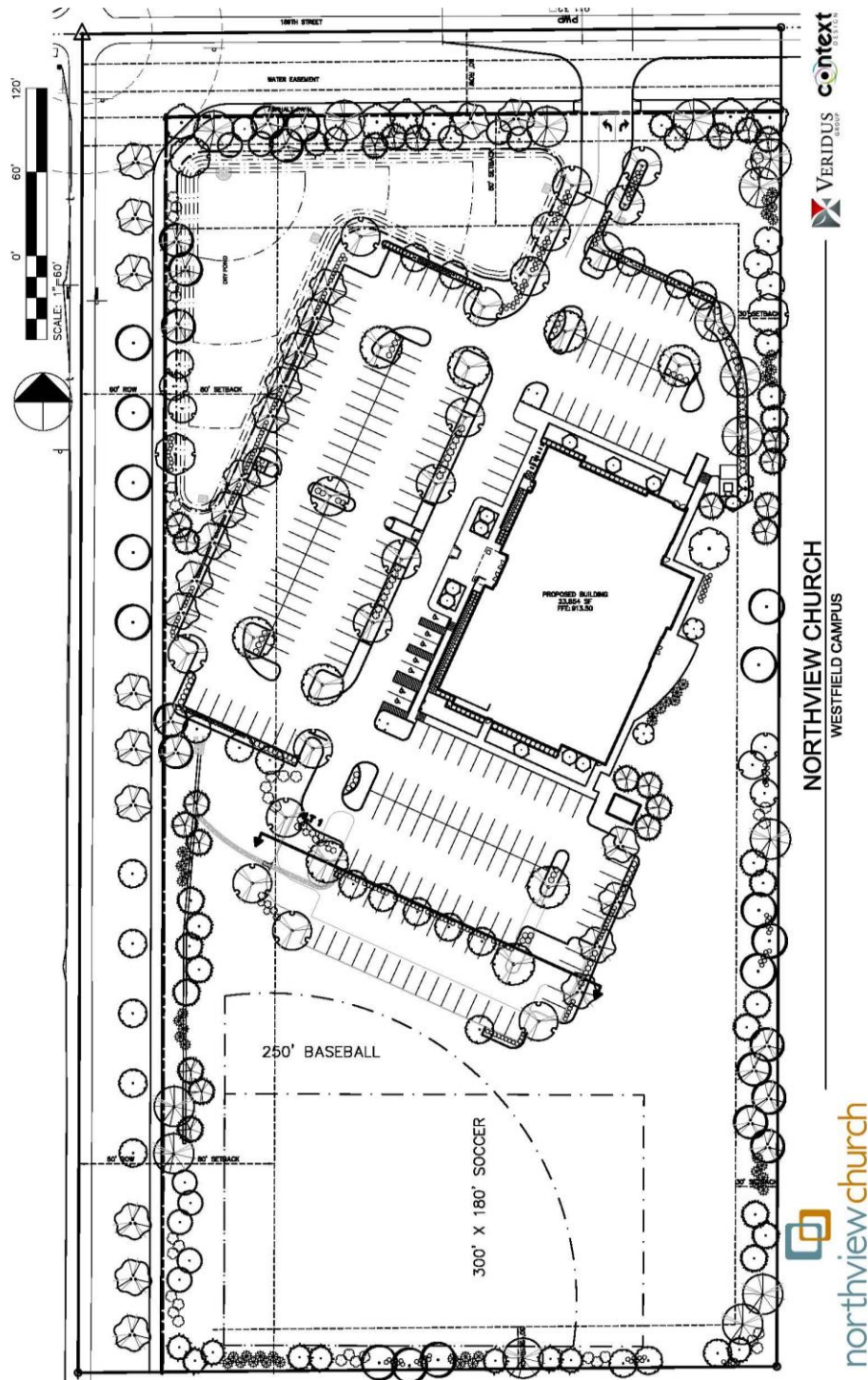


EXHIBIT B **ILLUSTRATIVE CHARACTER EXHIBIT** (Page 1 of 1)



Note: Larger scale paper and digital copies of the Illustrative Character Exhibit are on file with the Department of Economic and Community Development under Docket Number 1604-PUD-04.

EXHIBIT C
CONCEPT PLAN
(Page 1 of 2)



Note: Larger scale paper and digital copies of the Concept Plan are on file with the Department of Economic and Community Development under Docket Number 1604-PUD-04.